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DELTA AIR LINES, INC.,	:
	:
Plaintiff,	:
	:
-against-	:
	:
THE LIGHTSTONE GROUP, LLC,	:
	:
Defendant.	:
	:
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21-MC-374 (RA) (OTW)

**ORDER**

The Court has reviewed the submissions, including those by non-parties Marriott International, Inc. and Marriott Worldwide Corp. (together, “Marriott”), in response to the Court’s May 28, 2021 order why the Court should keep certain documents in this case under seal. (ECF 40-43). The underlying documents at issue are 2018 emails (ECF 5, Ex. C), produced by Marriott, marked Attorney’s Eyes Only (“AEO”), and papers that quote and cite the 2018 emails. The parties and Marriott represent that the AEO category corresponds to the “Highly Confidential” under the governing protective order (ECF 41-2, the “Protective Order”) in the Georgia Action.<sup>1</sup>

<sup>1</sup> All terms not defined here have the same meaning as in ECF 37.

parties agreed that the following categories of documents could be presumed to be “Highly Confidential:” “trade secrets; commercially sensitive pricing information, financial data, advertising expenditures, and/or sales information; sales or marketing forecasts or plans, business plans; sales or marketing strategy; product development information; employee information, and other nonpublic information of similar competitive and business sensitivity.” (ECF 41-2 at 5).

Courts have found that “purportedly competitive information” that was four-years old and concerned policies that “have long since been discontinued” or already implemented was not entitled to sealing. *Alcon Vision, LLC v. Lens.com*, No. 18-CV-0407 (NG), 2020 WL 3791865, at \*6 (E.D.N.Y. July 7, 2020); *see also In re Parmalat Sec. Litig.*, 258 F.R.D. 236, 256 (S.D.N.Y. 2009) (party failed to proffer “specific facts showing that disclosure of the specific fees that it charged to Parmalat for this series of transactions would tend to be damaging now, seven to fourteen years after the fact”). Accordingly, the parties are hereby directed to appear for a conference to discuss the pending motion on **July 21, 2021 at 12:00 pm in Courtroom 20D, 500 Pearl Street, New York, New York**. The parties are directed to consult Section III.e. of the Court’s Individual Practices as well as the entry protocols of the Southern District of New York.

Delta Air Lines is directed to serve a copy of this order on Marriott and file proof of service.

**SO ORDERED.**

Dated: June 29, 2021  
New York, New York

s/ Ona T. Wang  
**Ona T. Wang**  
United States Magistrate Judge